



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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October 1, 2012

BY EMAIL

Honorable Paul A. Crotty  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: SEC v. Harbinger Capital Partners LLC, et al.,  
12-CV-05028 (PAC) (S.D.N.Y.)

Dear Judge Crotty:

I represent plaintiff Securities and Exchange Commission ("SEC") in this action and write, pursuant to Individual Rule of Practice 1.E, to respectfully request that the Court grant a three business day extension of the SEC's time to respond to the defendants' letters requesting a pre-motion conference.

On Friday, September 28, 2012, the staff received a letter on behalf of both defendants Philip A. Falcone and Harbinger Capital Partners LLC and a separate letter on behalf of defendant Peter A. Jenson outlining their factual and legal arguments in support of their anticipated motions to dismiss the complaint in this action. Pursuant to your Individual Rule of Practice 3.D, the SEC's responses to these letters would be due on Wednesday, October 3<sup>rd</sup>. Both David Stoelting, my SEC co-counsel, and I have pre-existing business travel at the beginning of this week. Accordingly, we respectfully request three additional business days to respond, such that the SEC's response would be due on Tuesday, October 9th.

This is the SEC staff's first request for an extension. Defendants' counsel consent to the SEC staff's requested extension.

Respectfully submitted,

*Mark D. Salzberg*  
Mark D. Salzberg  
Senior Counsel

10/1/2012

*Donald*  
*Paul M. Smith*  
*JDJ*

Honorable Paul A. Crotty  
October 1, 2012  
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